

ASSEMBLY BILL

No. 1902

Introduced by Assembly Member Wilk

February 11, 2016

An act to amend Section 340.8 of, and to add Section 340.81 to, the Code of Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1902, as introduced, Wilk. Time for commencing civil actions: Aliso Canyon gas leak.

Existing law sets forth a two year statute of limitations for commencing a civil action for injury, illness, or wrongful death based upon exposure to a hazardous material or toxic substance other than asbestos, as specified.

This bill would establish a 3 year statute of limitations for commencing a civil action for injury, illness, or wrongful death based on exposure to methane, benzene, mercaptan, or any other hazardous material or toxic substance resulting from the Southern California Gas Company Aliso Canyon SS-25 gas leak, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 340.8 of the Code of Civil Procedure is
- 2 amended to read:
- 3 340.8. (a) In ~~any~~ a civil action for injury or illness based upon
- 4 exposure to a hazardous material or toxic substance, the time for
- 5 commencement of the action shall be no later than either two years

1 from the date of injury, or two years after the plaintiff becomes
2 aware of, or reasonably should have become aware of, (1) an injury,
3 (2) the physical cause of the injury, and (3) sufficient facts to put
4 a reasonable person on inquiry notice that the injury was caused
5 or contributed to by the wrongful act of another, whichever occurs
6 later.

7 (b) In an action for the wrongful death of ~~any~~ a plaintiff's
8 decedent, based upon exposure to a hazardous material or toxic
9 substance, the time for commencement of an action shall be no
10 later than either (1) two years from the date of the death of the
11 plaintiff's decedent, or (2) two years from the first date on which
12 the plaintiff is aware of, or reasonably should have become aware
13 of, the physical cause of the death and sufficient facts to put a
14 reasonable person on inquiry notice that the death was caused or
15 contributed to by the wrongful act of another, whichever occurs
16 later.

17 (c) For purposes of this section:

18 (1) A "civil action for injury or illness based upon exposure to
19 a hazardous material or toxic substance" does not include an action
20 subject to ~~Section 340.2 or 340.5~~. *Sections 340.2, 340.5, or 340.81.*

21 (2) Media reports regarding the hazardous material or toxic
22 substance contamination do not, in and of themselves, constitute
23 sufficient facts to put a reasonable person on inquiry notice that
24 the injury or death was caused or contributed to by the wrongful
25 act of another.

26 (d) Nothing in this section shall be construed to limit, abrogate,
27 or change the law in effect on the effective date of this section
28 with respect to actions not based upon exposure to a hazardous
29 material or toxic substance.

30 SEC. 2. Section 340.81 is added to the Code of Civil Procedure,
31 to read:

32 340.81. (a) In a civil action for injury or illness based upon
33 exposure to methane, benzene, mercaptan, or any other hazardous
34 material or toxic substance resulting from the Southern California
35 Gas Company Aliso Canyon SS-25 gas leak, the time for
36 commencement of the action shall be no later than either three
37 years from (1) the date of injury, or (2) the date the plaintiff was
38 put on inquiry notice, or through the exercise of reasonable
39 diligence should have been put on inquiry notice, that an injury

1 was caused or contributed to by such exposure, whichever occurs
2 later.

3 (b) In an action for the wrongful death of a plaintiff's decedent,
4 based upon exposure to methane, benzene, mercaptan, or any other
5 hazardous material or toxic substance resulting from the Southern
6 California Gas Company Aliso Canyon SS-25 gas leak, the time
7 for commencement of an action shall be no later than either (1)
8 three years from the date of the death of the plaintiff's decedent,
9 or (2) three years from the first date on which the plaintiff was put
10 on inquiry notice, or through exercise of reasonable diligence
11 should have been put on inquiry notice, that the death was caused
12 or contributed to by such exposure, whichever occurs later.

13 (c) For purposes of this section, media reports regarding the
14 potential exposure to methane, benzene, mercaptan, or any other
15 hazardous material or toxic substance resulting from the Southern
16 California Gas Company Aliso Canyon SS-25 gas leak do not, in
17 and of themselves, constitute sufficient facts to put a reasonable
18 person on inquiry notice that the injury or death was caused or
19 contributed to by that exposure.

20 (d) This section shall only apply to a plaintiff whose domicile
21 or residence was located within a 12-mile radius of the Southern
22 California Gas Company's Aliso Canyon SS-25 facility at any
23 time between January 1, 2015, and December 31, 2016.